

---Minutes: Leesburg Planning Commission April 5, 2001

The Leesburg Planning Commission met on Thursday, April 5, 2001 at 7:00 p.m. in Council Chambers at 25 West Market Street, Leesburg, VA. Members present for this meeting were: Chairman C. Vaughan, Commissioners: C. Cable, D. Kennedy, L. Werner, W. Zawacki and Councilmember Umstattd. Absent was L. Schonberger. Staff members present for the meeting were Mike Tompkins, Lee Phillips, Delane Parks, Nancy Costa, Randy Hodgson, Jennifer Moore, Mike Freda, Andrew Russell and Kaj Dentler.

MINUTES:

Commissioner Kennedy made a motion to approve the minutes of March 1, 2001 with minor changes.

Motion: Kennedy
Second: Cable
Carried: 5-0

PETITIONERS:

None

COUNCILMANIC REPORT:

Councilmember Umstattd stated that Tracktibel, which proposes to build a major power plant on the outskirts of Leesburg, has filed an application with the State Corporation Commission in Richmond to go forward with that project. She stated that the County has taken the position that the application would not go through as long as the Town of Leesburg does not agree to send water to the site.

PUBLIC HEARING:

2002-2006 CAPITAL IMPROVEMENTS PROGRAM – Andrew Russell

Mr. Russell gave a brief overview of the Capital Improvements Program (CIP) to the Planning Commission.

Mr. Russell pointed out to the Commission the areas of concern, specifically the high rate of debt that the Town has and he pointed out projects that have been pushed back or funded either through the General Fund or other funding sources rather than bonds.

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Commissioner Werner asked if the grants for the airport are secure. Mr. Russell stated that they are secure at this time.

Commissioner Kennedy asked Mr. Russell to research the Harrison Street pathway that was requested to be built and get back to the Commission. He stated that the money had been set-aside over the years in proffers. Mr. Russell stated that he would look into it.

Commissioner Cable asked if there were more projects submitted for consideration than the 102 located in the CIP. Mr. Russell stated that this is all of the projects, however some projects may have been pushed back to later years.

Commissioner Zawacki stated that his concern would be the “further out years”. He stated that the budget has been balanced in 2002 by “shoving” other projects out to later years. He stated that he does not see any existing bonds that would be retired before 2008, nor does he see that the bond repayments are going down the following years and he sees in 2003 where it will require a big bond issue. Mr. Russell stated that it is a bigger issue than just this year. He stated that the Town has solved this year’s concern and has not addressed the bigger issue.

Mr. Russell stated that this proposal gives the Town a year to work with the budget office, Council and Management Team to determine how the bigger debt issue would be handled.

Mr. Doug Goolsby of 906 Chancellor Street came forward to speak. Mr. Goolsby presented a package to the Commission, which states that Mr. Goolsby is in favor of the King Street trail and points out some additional facts regarding the Chancellor Street trail. He stated that he does not believe that a trail into a wooded area is a good idea and would ask that the Town terminate the Chancellor Street trail.

Councilmember Umstattd thanked Mr. Goolsby for coming to speak, he wanted to make him aware that the Board of Supervisors is offering to pay 60% of the cost of accelerating and constructing the South King Street trail, but have not offered to pay any money towards the Chancellor Street trail.

Sandy Smallwood of 901 Chancellor Street came forward to speak. Ms. Smallwood stated that she would like to speak in favor of funding the King Street trail. She stated that it would service those that live southeast and southwest of Town and would provide safe access to many spots in Town.

Ms. Smallwood stated that she would like to echo Mr. Goolsby’s concerns regarding the Chancellor Street trail. She stated that it is the closest that she has ever been to fire and rescue and does not believe that it is necessary.

Mr. Michael Locklein of 913 Chancellor Street came forward to speak. Mr. Locklein stated that he would like to support the South King Street trail. He stated that

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Chancellor Street trail is not a good option and would request that the Town turn it down.

Mr. William Wolf of 1004 Orr Circle, SW came forward to speak. Mr. Wolf stated that he has requested a sidewalk on South King Street for more than 18 years. He stated that it is dangerous walking on South King Street and he would like to speak in favor of the South King Street trail.

There being no further public comment the public hearing was closed.

Commissioner Cable made a motion to approve the application as submitted.

Motion: Cable
Second: Kennedy
Carried: 5-0

ZM 2000-05 - POTOMAC CROSSING PRC, CONCEPT PLAN AND PROFFER AMENDMENT – Randy Hodgson

Mr. Hodgson gave a brief presentation of the application. The presentation would primarily deal with the concept plan and the proposed changes.

Commissioner Werner stated that she believes that Mr. Hodgson should go ahead and give his presentation on the Town Plan Amendment now as well because she believes that the citizen comments will address both issues.

TP 2000-02 – TOWN PLAN AMENDMENT – POTOMAC CROSSING – Randy Hodgson

Mr. Hodgson gave a brief presentation regarding the Town Plan Amendment.

Commissioner Werner asked if Stratford and Potomac Station would be coming forward with commercial. Mr. Hodgson stated that he believes that both of them will have some, however he is not sure of their floor area ratio (FAR).

Commissioner Werner asked how many houses needed to be removed to achieve what is needed on Hunton Place. Mr. Hodgson stated that he counted 11 houses and if carried all the way down to the road it would be 13 houses.

Commissioner Kennedy stated that he is at the meeting to learn. He stated that he has read the correspondence and e-mails sent to the Commission. He stated that he believes the major “bone of contention” is the placement of apartments.

Commissioner Kennedy stated that staff has recommended that 143 townhouses be replaced with 290 multi-family rental units. He stated that he has found that the

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vacancy rate in apartments right now is 1.5 percent. Commissioner Kennedy stated that it is almost impossible for anyone to find a temporary living arrangement within the Town.

Commissioner Kennedy asked staff if Arcadia would be managing the apartments or if they would be turning it over to a management company. Mr. Hodgson stated that Arcadia indicated that they would own and manage the apartments.

Commissioner Cable asked what staff has asked the developer to consider with Hunton Place. Mr. Hodgson stated that staff has asked the developer to eliminate 11 lots so that the Heritage Trail could be placed there and preserve the civil war entrenchment.

Councilmember Umstattd stated that some of the e-mails that she received stated that if the multi-family units were to go in ten percent would have to be reserved for lower income individuals and even stated a Town Ordinance, is staff aware of such an Ordinance. Mr. Hodgson stated that he is not aware of such an Ordinance.

Mr. Doug Fleming, representative for the applicant came forward to speak. Mr. Fleming presented a list of 135 names of people that live in the Potomac Crossing community who support the concept plan and application by Arcadia.

Mr. Fleming stated that they have continued to work cooperatively with the staff and would like to thank Randy Hodgson and Nancy Costa for their help and support on this project.

Mr. Fleming stated that with regard to the park, which the staff addressed in its report, the applicant would build the park where it is if that is what the Town wants after listening to the residents. He stated that the reason that it was not changed was because the residents told the applicant that they did not want the park.

Mr. Fleming stated that Hunton Place is a more difficult issue. He stated that Arcadia never promised to do anything at Hunton Place. He stated that a letter was sent to the Town last August that states that they would not disturb the site for a year, and even though the letter went unanswered, Arcadia would honor that letter.

Mr. Fleming introduced Bob Bosco the applicant's Planner, who would speak to some of the specific aspects of the application.

Mr. Bosco with Huntley, Nyce and Associates came forward to speak. Mr. Bosco went over the changes that have evolved with this application.

Commissioner Zawacki stated that on page one of the plans it indicates that there would be 540 single-families and 196 townhouses, however in the center column it indicated 539 single-families and 197 townhouses. He asked which is correct. Mr. Bosco stated that the latter is correct.

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Commissioner Zawacki stated that in the proffers it indicates that the applicant is proposing to remove 35 townhouses to build a day care facility, however the existing concept plan shows 37 townhouses in that location. Commissioner Zawacki asked where the other two townhouses would be placed. Mr. Bosco stated that the approved development plan by the Town only had 35 townhouses indicated in that area. Mr. Bosco stated that the only townhouses yet to be constructed are the ones that front on Battlefield Parkway.

Commissioner Zawacki stated that the existing plan shows 590 single family dwellings and the proposed plan shows 539 single family dwellings yet the applicant has not proffered those as a trade off for anything thing. Commission Zawacki asked what happened to the dwellings. Mr. Bosco stated that in the design phase of the preliminary plan there were many single family detached lots that were placed in environmentally sensitive areas and some that were approved that where on Park Authority land. Once the plans were discussed with the applicant, Arcadia decided to remove those dwelling units from those environmentally sensitive areas so that the steep slopes were not disturbed and would improve the water quality of the streams flowing towards the river.

Commissioner Cable asked if there is any part of what is being proposed verse what has been approved that would be a deal breaker for this application. Mr. Fleming stated that the multi-family units would be high on the list. He stated that the configuration of the multi-family makes much of the rest of the development possible.

Commissioner Cable asked how the applicant came up with the number of 290 multi-family units. Mr. Fleming stated that that is the number that makes this application work and is a non-negotiable number. Mr. Bosco stated that originally when the process was started the applicant was recommending 450 multi-family units. After site review and land planning it was determined that 290 units would fit best on the site and would be at an acceptable density range.

Commissioner Kennedy asked what assurance the Town has that the multi-family units would not be sold to another rental agency once they are built. Mr. Fleming stated that the Town does not have any assurance, but they do have Arcadia's record. Commissioner Kennedy asked how many apartment complexes Arcadia owns and operates. Mr. Fleming stated that it is over 2,200 and they are in California. He stated that other than single-family and town homes built specifically to sell, Arcadia has not sold a property in over 40 years and does not intend to do it now.

Commissioner Kennedy asked over a 15-year period what percentage of townhouses that are built become rentals. Mr. Fleming stated that he does not know, however he would research that and get back with the Commission.

Commissioner Kennedy asked why Arcadia wants to build multi-family units in the Town. Mr. Fleming stated that there is a great market, it is more in conformance with the Town Plan and it allows more open space.

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Commissioner Werner asked if there would be two day care facilities. Mr. Fleming stated that one is planned to stand-alone and he has also had conversations with the Town staff as to whether or not one could be accommodated in within the office park.

Mr. Fleming stated that they are leaning more towards having businesses that have standard office hours. He stated that because this would be a gateway into the Town the applicant's believe that more office space would look better than retail and would provide a better market.

Chairman Vaughan asked if there is currently a system in place where Arcadia is meeting with citizen groups to keep the residents informed. Mr. Fleming stated that Arcadia has had meetings with residents over the last two years and they have set up a web site to allow people access to the documents and express their opinion. However, Arcadia is not currently meeting on a regular basis with a citizen group. Mr. Fleming stated that Arcadia would be happy to set up such meetings. Chairman Vaughan stated that he would like Arcadia to go forward with those meetings should the citizens believe that it is warranted.

Chairman Vaughan took a moment to welcome Mayor Webb and Joan Rockus, former Board of Supervisors Representative.

Chairman Vaughan opened the hearing up for public comments.

Mr. Brad Pearson of 1209 Cannon Court, representing Potomac Crossing residents. Mr. Pearson presented a petition signed by 176 residents of Potomac Crossing to the Commission stated the opposition to any change in current zoning which would permit apartment construction at Potomac Crossing. He stated that they are also opposed to change in the current zoning which would permit an increase in square footage of retail/office/commercial building.

Mr. Pearson stated that when the residents of Potomac Crossing purchased their homes, they were purchased as part of an approved plan that had no apartments and limited commercial space. He stated that the proposed changes do not improve the quality of life.

Mr. Pearson stated that the residents have met in the past with the developer and have been told by the developer that it is an all or nothing deal. It is Mr. Pearson's understanding that all means 80,000 square feet of retail and apartments or nothing, no pool, no day care and no shifting of the parks. He stated that the developer has been unwilling to explore win/win situations with the residents in the past.

Mr. Rene Dennis, speaking for The Friends of Edwards Ferry Road came forward. He stated that good planning in this case calls for preserving historic sites and old growth forests that are well placed within the context of adjacent history and within important natural clusters of nature. He stated that the proposed demolition of civil war rifle placements and the placement of ball fields within Balls Bluff Regional Park would

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not only destroy our mutual heritage, but cut deep into the natural buffer of Balls Bluff Regional Park and the adjoining 33 acre Leesburg Park.

Mr. Vernon Davis, representative for Loudoun Preservation and Restoration Society came forward to speak. Mr. Davis stated that he would like to support the preservation of the Civil War Entrenchments at Hutton Place. He stated that he hope that the Town and development can reach an agreement to save the sites. He would also like to the Town to support preservation of the old growth forest that is currently on the Balls Bluff Regional Park.

Ms. Patty Snow, 1242 Barksdale Drive, came forward to speak. Ms. Snow stated that she is in favor of the rezoning for a variety of reasons. She stated that she is opposed to raising the 20 acres of parkland on a historically significant piece of land. Ms. Snow stated that she is concerned about having an isolated park with play areas; she believes that it would be unsafe for children.

Ms. Snow stated that she does like the plan that Arcadia has for commercial/retail space. She stated that she would rather have more office space rather than a strip mall type atmosphere.

Ms. Snow stated that she supports what Arcadia is doing over all and believes that it is a good plan.

Mr. Dennis Boykin, 1302 Barksdale Drive, came forward to speak. Mr. Boykin stated that on two previous occasions he approached Mr. Rinehart and asked if this development was up for discussion and was told that it was a take it or leave it deal. He stated that he then placed a call to Mr. Rinehart and did not receive a return phone call.

Mr. Boykin stated that he is concerned about this development from an association perspective. He stated that the Homeowners Association has not been turned over yet despite the fact that the development has been in process for over ten years, there have not been enough houses sold in order for the developer to meet the requirement to turn over the HOA.

Mr. Boykin stated that this plan of reducing townhomes and adding apartments takes the property out of the HOA and by doing that it significantly reduces the future income of the HOA by approximately \$105,000.00 per year.

Mr. Boykin stated that in summary, he would request that the Commission reject the plan out right and send the developer back to come up with a plan that suits the developer and the residents.

Mr. Tom Dunn, 112 Stone Court, NE, came forward to speak. Mr. Dunn stated that he is not in favor of this plan. Mr. Dunn stated that there are 2,047 apartments in Leesburg and 1,435 of them are located in the northeast quadrant between Route 7 and

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Route 15. Mr. Dunn stated that the apartments represent 26% of the buildings in the Town of Leesburg. He stated that he did a crime study for the month of February and determined that 68% of the crimes in Leesburg are located within or on the properties that are apartments. He stated that that equates to 11 crimes per apartment complex and in Potomac Crossing there was one during that same time period.

Pamela Grizzle, 1209 Barksdale Drive, came forward to speak. Ms. Grizzle gave the Commission a copy of her speech, which supports the rezoning. Ms. Grizzle stated that she does not support the ballfield being built where it is proposed. Ms. Grizzle also stated that she questions the appropriateness of Councilmember Umstattd sending out a letter to the residents of Potomac Crossing addressing this application prior to the public hearing.

Mr. Robin Boyer, 922 Smartt's Lane, came forward to speak. Mr. Boyer stated that he is in support of the rezoning. He stated that if more townhouses were to be built the values of the current townhouses would go down.

Mr. Boyer stated that he is in support of more baseball fields but not at the expense of a historical site.

Mr. Lance Daughtry, 1403 Barksdale Drive, came forward to speak. Mr. Daughtry stated that he is in support of the rezoning plan. He stated that he is not in favor of placing townhouses right next to the school and cited Broad Run High School as an example.

Mr. Daughtry stated that a retail center would generate traffic every day, night and weekends versus an office space which would be aesthetically more pleasing as well as limiting additional traffic to mornings and evenings.

Ms. Alicia Wilson, 709 Duff Road, NE, came forward to speak. Ms. Wilson stated that she is concerned about her investment, neighborhood and Leesburg. She stated that she needs commitment and something in writing from the developer. Ms. Wilson stated that she strongly opposes having an apartment building in Potomac Crossing.

Ms. Denise Rogerson, 704 Duff Road, came forward to speak. Ms. Rogerson stated that she is against the rezoning.

Mr. Jim Parceli, 1040 Smartt's Lane, came forward to speak. Mr. Parceli stated that Mr. Fleming was not upfront with the Planning Commission he stated that as soon as the townhouses would be built they would be rentals. Mr. Parceli stated that he is outraged and is against this rezoning.

Mr. George Carrera, 802 Balls Bluff Road, came forward to speak. Mr. Carrera stated that he is before the Commission to oppose the rezoning proposal by Arcadia and request that the Commission reject all proponents of the proposal.

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Mr. Ross Gottlieb, 1208 Cannon Court, NE, came forward to speak. Mr. Gottlieb stated that he is particularly affected by one aspect of the proposed plan because his property borders on the proposed office/retail center. He stated that he is not in favor of the proposal, he is concerned that there is yet another change to the proposal that the citizens have not had a chance to look at yet.

Mr. Gottlieb stated that when he purchased his property he looked in to what could be built on the open space adjacent to his property and determined that he could live with what was originally proposed. He is disturbed that someone can come in at this late date and change the plan. He stated that it directly impacts his quality of life. Mr. Gottlieb stated that he would urge the Commission to proceed with caution.

Ms. Rachel Gottlieb, 1208 Cannon Court, NE, came forward to speak. Ms. Gottlieb stated that she is concerned about the proposed office building being in such close proximity to residential areas. She stated that she would urge the Commission to listen to the kids in the neighborhood; she is not only children, but also concerned citizens.

Mr. Jim DeRado, 918 Smartt's Lane, came forward to speak. He stated that he is opposed to apartments at Potomac Crossing.

Mr. Robert Andrews, 1406 Garrison Court, came forward to speak. Mr. Andrews stated that he is concerned and disturbed that the 20-acre section of the park could be leveled and raised in order to provide an active park. He stated that his great-great grandfather fought in that battle and he finds it disturbing that the developer could arbitrarily and permanently destroy the area and change the way that it is used. Mr. Andrews stated that once it is done, it is gone.

Mr. Andrews stated that he is also opposed to the Town Plan Amendment. He stated that he also opposes the apartment complex.

Mr. Bob Brown, 301 West Market Street, came forward to speak. Mr. Brown stated that he is at the meeting to speak against the clearing of the 20-acre tract of land. Mr. Brown quoted articles speaking against removing significant historic sites in Virginia. Mr. Brown stated that he would like for the Parks and Recreation Department to stop pushing to have ballfields at this location, he believes that there are a number of other places in the Town that fields could be placed without clearing a battlefield and trees.

Mr. Paul Christensen, 1212 Cannon Court, NE, came forward to speak. Mr. Christensen stated that when he purchased his home, he carefully studied the development plan and knew what was proposed going into the purchase. Mr. Christensen stated that he was upset to find out that when Arcadia took over the development of Potomac Crossing that they were requesting to change what was originally approved when he purchased his home.

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Ms. Linda Christensen, 1212 Cannon Court, NE, came forward to speak. Ms. Christensen stated that she is opposed to all of Arcadia's zoning proposals. She stated that she is strongly opposed to the commercial building. He stated that the value of her property would decline because of the close proximity of her home to this building. Ms. Christensen stated that she is concerned that the entrance to the office building is directly across from the pool and she fears that at 5:00 in the afternoon, with people leaving the office building and children trying to get to the pool it would be come a parents nightmare.

Ms. Christensen stated that she is also opposed to the apartments being built. She believes that the traffic study submitted by Arcadia is false and believes that there is no way that an apartment complex would not generate more traffic than townhomes.

Mr. John Farmer, 109 Field Court, NE, came forward to speak. Mr. Farmer stated that he would prefer that the Commission not approve the apartments. He stated that he does not believe that the apartment complex is in the best interest of the neighborhood.

Mr. Joseph Callen, 503 Duff Road, NE, came forward to speak. Mr. Callen stated that he moved to Potomac Crossing in 1991 and at that time he checked with the Town and found out what was supposed to be built and he is concerned about having an office park built at the entrance to the community. He stated that he would rather the plans revert back to what was originally approved than to move forward with the current proposal.

Ms. Nina O'Connor, 1224 Barksdale Drive, NE, came forward to speak. Ms. O'Connor stated when she bought her house she was told that single-family homes would be built next to the school and that a recreation center and pool would be built on the other open space parcel for Potomac Crossing residents. She stated that if she had been told the truth when she purchased her home about what was going to be built or what could be built; she would not have purchased her home in Potomac Crossing.

Ms. O'Connor stated that she is concerned about the crime that goes on surrounding apartment buildings and does not want to see the apartment buildings built. Ms. O'Conner stated that the Commission has the ability to do what is right for the residents of Potomac Crossing and vote against this proposal.

Mr. Mike Goodloe, 7438 Gadsby Square, Alexandria, VA, came forward to speak. Mr. Goodloe stated that he is Commander of the Sons of the Confederate Veterans in Alexandria. He stated that he has been very gratified to hear the concern expressed over the recreational development near the Balls Bluff battlefield. He stated that this is a unique part of heritage and cultural and historical inheritance and he would like to thank the Commission for their efforts to maintain this historic property for all of the people in the region.

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Mr. Kelly Clark, 110 Field Court, came forward to speak. Mr. Clark stated that when he purchased his home he specifically asked if apartments would be built and he was told none were proposed, if he had known it was a possibility he never would have bought a home in Potomac Crossing.

Mr. Clark stated that he is a police officer; he stated that the traffic increase in the area has been incredible and he cannot see how Arcadia can say that there would be no traffic increase. He stated that in his line of work he sees the increase in traffic every day.

Mr. Clark stated that he believes that there is a crime trend around apartments and he does not want this close to the school. Mr. Clark would urge the Commission to vote against this proposal.

Mr. Rich Sands, 808 Balls Bluff Road, came to speak. Mr. Sands stated that he is a roadway designer and hydrologist. He stated that he could guarantee that he is sure that there would be a traffic back up between 4:30 p. m. and 5:00 p.m. stemming from the office buildings, which would be right around the time that children would be running to the pool. Mr. Sands stated that his first concern is with the traffic and the safety of the children.

Mr. Sands stated that he believes that there would also be a problem with flooding once the additional flow comes from that new office building. He would urge the Town to take a closer look at the details of the plan.

Mr. Phil LaPorta, 110 Burt Court, came forward to speak. Mr. LaPorta stated that he is a developer and questions the density numbers that Arcadia gave the Commission. He would also hope that the Commission would see the ploy of Arcadia in submitting an amended site plan seven days prior to a meeting.

Mr. LaPorta stated that three days prior to purchasing his home he went to Arcadia with questions and was told "if you don't like it, don't buy it". He said this because he wants the Planning Commission to know the kind of relationship that the residents have with Arcadia.

Mr. LaPorta stated that most people know that retail is on the decline and office space is on the incline, his analogy of what Arcadia is doing is called a "cash cow". Mr. LaPorta asked the Planning Commission to remember that Arcadia is out "for the big buck" and that it should not be at the expense of the community or the Town.

Ms. Kimberly Pallister, 1007 Smartt's Lane, came forward to speak. Ms. Pallister stated that she chose Potomac Crossing for one specific reason and that was the community atmosphere. She stated that she believes any increase in the retail or office space, along with the addition of the apartments would be a severe degradation of the quality of life at Potomac Crossing.

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Mr. Ken Fognano, 1308 Featherstone Lane, came forward to speak. Mr. Fognano stated that when he purchased his home on Potomac Crossing he specifically asked about apartments and expressed his concern that one may be built. He stated that he was assured by Arcadia that there would not be an apartment complex.

Mr. Fognano stated that he is also concerned that the recreation center is being held hostage unless the residents conform to what Arcadia wants. Mr. Fognano would urge the Commission to reject the plan for apartments in Potomac Crossing.

Mr. Jay Greeley, 1209 James Rifle Court, came forward to speak. Mr. Greeley stated that he agrees that the Town should save the 20-acre parcel for passive recreation. He understands that there is a need for ball fields in the Town, however he believes that there are other places within the Town where they can be built.

Mr. Greeley stated that if Arcadia wants to build a community center, the American Red Cross would pay for it if Arcadia would donate the land to them. Mr. Greeley stated that he would like to see the Commission do the right thing.

Mr. Carol Coddle, 838 Balls Bluff Road, came forward to speak. Ms. Coddle stated that she is opposition of the apartment complex. She stated that Potomac Crossing has been a toy for the Town to experiment on with Planned Communities. She stated that everything that was planned has been changed. Ms. Coddle stated that she has live at Potomac Crossing for 13 years and every year things change frequently.

Ms. Coddle asked the Commission to go back to the beginning and look at what was initially planned and the changes since then. She would like to get something that Arcadia can stick with and that the residents can live with.

Mr. James Owens, 828 Balls Bluff Road, came forward to speak. Mr. Owens stated that everyone who has expressed opposition to the project was presented with a plan when they bought in the community. Mr. Owens stated that he would like to speak against cutting down the "old growth forest". He stated that the proposed apartment complex is schedule to go right against the forest. He stated that he and his children spend time in that forest and do not want to see it destroyed.

Ms. Joan Rokus, 413 Tudor Court, came forward to speak. Ms. Rokus stated that he would like to speak to the historic civil war entrenchments. Ms. Rokus stated that she has lived in Leesburg for 35 years and has taken the lead to preserve the Balch Library, the Mount Zion Church on Route 50, and the Stone House at Harper Park and the Slave Quarters at Arcola.

Ms. Rokus quoted Mr. Fleming about being a "good corporate citizen in the Town", she stated that other houses can be built, however the Town cannot rebuild civil war entrenchments and would urge the Commission to vote against the ballparks on those entrenchments.

Mr. Miller, 1206 Featherstone Lane, came forward to speak. Mr. Miller stated that there was a good basic plan that he still approves of and would like to see the Commission stick with the original basic plan.

There being no further testimony the public hearing was closed.

Chairman Vaughan explained that the Commission would not be voting on these issues at tonight's meeting, and should people still like to comment, they should send all correspondence to staff to be forwarded to the Commission.

At this point the Commission took a five-minute recess.

SUBDIVISION AND LAND DEVELOPMENT PLAN

THOMAS BISHOP PIPESTEM VARIATION REQUEST – Delane Parks

Mr. Parks stated that at the last Planning Commission meeting, staff provided a complete review of the application and provided a recommendation of denial based upon the points laid out in the staff report.

Commissioner Cable stated that there was discussion about the applicant requesting a deferral and would like to know if that has been dropped. Mr. Parks stated that under the circumstances he is not sure what the applicant would be asking.

Mr. Bishop came forward to speak. Mr. Bishop stated that he is aware of the concerns of the neighbors, however his belief is that the issues brought up by the neighbors are objective and the issues by staff are subjective and he believes that the neighbors concerns are subjective and not objective, based on reasons and facts.

Mr. Bishop stated that staff did not add to the packet the neighbors that were supportive of the variation. Mr. Bishop stated that it is significant that the egress point is Country Club Drive. He stated that three neighbors on Country Club Drive signed letters of support.

Mr. Bishop stated that staff is of the opinion that this variation is not unusual and could be repeated elsewhere. He stated that he went to the County database and pulled up all of the properties that were between two and four acres in size that were existing in the Town of Leesburg that have a property address. Mr. Bishop stated that from these he checked for the usage of the property and eliminated all of the commercial property. What are left are two properties on Shady Oak Lane, both of which are not developable pieces of property.

Mr. Bishop stated that he has outlined the ways that this application fits with the Town's Zoning Ordinance and Town Plan and the three ways that it does not. He has also provided eight conditions for approval for the Planning Commission to consider.

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Commissioner Kennedy stated that he would like to see the Commission move forward with this application tonight.

Commissioner Zawacki stated that should Mr. Bishop choose to postpone this item to work further with staff, he should have that right.

Mr. Bishop stated that it would be best for the Commission to move forward with this application tonight and vote.

Commissioner Kennedy made a motion to deny the application as submitted.

Motion: Kennedy
Second: Werner
Carried: 5-0

ZONING ITEMS

None

COMPREHENSIVE PLANNING ITEMS

SE 2001-02 – LOUDOUN COUNTRY DAY SPECIAL EXCEPTION – Nancy Costa

Ms. Costa explained that the application is for two classroom buildings and a gymnasium. Ms. Costa stated that staff is recommending approval for the application. Ms. Costa went of the conditions for approval that staff is recommending.

Commissioner Cable asked if the confusion about whether the classrooms are permanent has been resolved. Ms. Costa stated that the applicant believes that they are permanent, however the Zoning division has not had an opportunity to look at them yet, however staff has made is a condition for approval of the application.

Commissioner Cable asked if a lighting plan had been submitted. Ms. Costa stated that she had not requested a lighting plan, staff just requesting that the lighting be indicated on the plan so that staff could see where it would be placed, especially if the public were to be allowed on the property in the evening. Ms. Costa stated that she believes that the ability to access the school during the evening by the residents will probably be dropped out of the application, therefore eliminating the need for a lighting plan.

Councilmember Umstattd asked if this construction would be done with minor disruption to the neighboring community. She asked if there would be construction traffic on site. Ms. Costa deferred that question to the applicant.

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Mr. Randy Hollister, Headmaster of Loudoun Country Day School, came forward to speak. Mr. Hollister stated that in relation to the lighting issue, he would like to continue to work with the neighbors so that they can use the gymnasium. He stated that the gymnasium is well lit and should not be an issue.

Mr. Hollister stated that as far as construction he intends to be very sensitive to the neighbors as they can. He stated that he is extremely sensitive to that issue. He stated that should this plan be approved the construction process would take place over the most desirable period of time which would be the summer months.

Chairman Vaughan asked if the elevation presented would accommodate a gym. Mr. Hollister stated that the plans did not include the elevation for the gymnasium only for the classrooms.

Chairman Vaughan asked what the gymnasium would look like. Mr. Hollister stated that the gym would be a Sprung Structure and it would be difficult for him to describe. He stated that at this point it would be very unlikely that the gym would be done this year, though they would still like to place it in the application.

Chairman Vaughan asked if the structure would be a trailer like structure. Mr. Hollister stated that it is more of a dome like structure.

Councilmember Umstattd asked if it was feasible that the school would not be putting the gym in this summer. Mr. Hollister stated that it is a possibility. He stated that he does however feel compelled to keep it in the plan at this point.

Commissioner Kennedy made a motion to approve the application subject to the attached conditions per the letter dated March 6, 2001.

Motion: Kennedy
Second: Cable
Carried: 5-0

SE 2001-13 – LEESBURG BAPTIST CHURCH – Nancy Costa

Ms. Costa stated that the staff does not have a recommendation for this item at this time because they just received new plans within the last 2 days and have not had a chance to review them thoroughly and substantial changes have been made to the plan.

Ms. Costa stated that the application is for three temporary trailers that would serve as transitional trailers to be in place until the Church decides whether or not it would be an Educational Building on site that was previously approved.

Ms. Costa went over the staff report and staff issues briefly with the Planning Commission.

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Councilmember Umstattd asked what the difference was between a temporary trailer and a permanent trailer. Ms. Costa stated that these are not temporary trailers, they are modular units and if they were temporary they would need to be made permanent.

Councilmember Umstattd stated that she recalled that another Church within the Town had requested temporary trailers and were turned down and would hate to have the Commission always turning down Church applications for what may be the same thing that secular institutions are getting permission to have on their property.

Mr. Keith Lambert and Mr. Chris Harvey, representatives for the applicant came forward to speak. Mr. Lambert stated that the trailers do not come with wheels. He stated that the application of the trailers comes with full footings and skirting. He stated that they would be the same color as the church.

Chairman Vaughan stated that the next meeting on this application would be April 19, 2001.

OLD AND NEW BUSINESS

Commissioner Cable stated that she had e-mailed everyone a draft rewrite of the by-laws along with attachments. She stated that there was also a list of five items included that still needed to be discussed.

Chairman Vaughan stated that there would be a meeting on April 12, 2001 to discuss and vote on the bylaws and continue on with the other items on the "laundry list" of items from the retreat.

COMMITTEE REPORTS

Commissioner Cable stated that she handed out a written report to the other Commissioners summarizing the last Economic Development meeting.

ADJOURNMENT

There being no further business the meeting adjourned at 12:00 a.m..